

**UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND**

UNITED STATES OF AMERICA

Cr. No. 21-cr-0037-WES

v.

DAVITH HOY,

Defendant.

GOVERNMENT’S SENTENCING MEMORANDUM

The Defendant, Davith Hoy (Hoy) is before this Court to be sentenced for distributing two deadly controlled substances, methamphetamine, and fentanyl. For several months, Hoy had been supplying his codefendant, Ronald Kramer (Kramer), with methamphetamine he passed off as Adderall. The methamphetamine was contained in pill form made to look like Adderall. On March 19, 2021, federal agents executed a search warrant at Hoy’s Cranston, Rhode Island residence where they discovered over a thousand pills containing methamphetamine, fentanyl pills and powder, scales, and other drug distribution related paraphernalia. Hoy was distributing dangerous drugs without regard for the societal and individual havoc they wreaked. Such outrageous conduct warrants an incarcerative sentence of ninety-months.

The Nature and Circumstances of the Offense

Paragraphs 10-13 of the Presentence Investigation Report provide a detailed summary of the crimes perpetrated by Hoy. (Dkt. 49). Recitation of some of those facts may assist the Court to better appreciate the nature of the offenses for which the defendant will be sentenced.

On February 18, 2021, Ronald Kramer was arrested for driving under the influence. He pled guilty and was sentenced to a period of incarceration. Almost immediately, Kramer contacted his girlfriend, Rebecca Beauchamp (Beauchamp), and arranged for her to maintain his drug distribution business. Kramer arranged for Beauchamp to meet with Hoy and receive a supply of pills.

On March 10, 2021, federal agents watched as Hoy left his home on Victory Street in Cranston and travelled to nearby Reservoir Avenue where he met with Beauchamp and delivered methamphetamine pills. Agents monitored Kramer's prison calls and determined that Hoy became Beauchamp's regular source of supply.

The March 19, 2021, search of Hoy's residence, revealed that he was storing deadly fentanyl and methamphetamine in the same house in which he was raising his three young children. The bulk of these drugs were stored in a Teenage Ninja Mutant Turtles backpack.¹ The storage of dangerous drugs in the same house where children live and play is bad, but, concealing them in a pack undoubtedly appealing to small children exacerbates the conduct to an entirely different level.

In the house, agents also discovered various parts to a pill press indicative of Hoy's involvement in the actual manufacture of the dangerous pills, another aggravating factor.

¹ The Teenage Ninja Mutant Turtles are American cartoon action figures featured in television programs and motion pictures targeting young children.

History and Characteristics of the Defendant

Defendant was born in a refuge camp in Thailand where he lived until approximately age nine. He moved to Long Beach, California and later relocated to the state of Washington. From there he moved to Massachusetts, North Carolina, and Rhode Island. He had an unstable childhood and was frequently placed in juvenile group homes.

Hoy has held a variety of jobs ranging from cook to forklift operator. In the months prior to his arrest and detention he was unemployed and attempting to break into the music industry by posting YouTube videos of himself “rapping.”

In 2004 he was convicted of felony larceny and sentenced to 64 to 86 months imprisonment. This was the first of two felony larceny convictions, the second being a 2011 Massachusetts charge where Hoy was engaged in stealing and pawning silver, he took from a metals company.

In addition to the theft related convictions, Hoy has a felony drug possession conviction in Rhode Island Superior Court. He falls in a criminal history category of III. *Id.* at ¶ 74.

Deterrence and Punishment

In arriving at an appropriate sentence, the Court must consider each of the sentencing factors set out in 18 U.S.C. § 3553. Those factors include “the need for the sentence imposed to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense.” 18 U.S.C. § 3553. Additionally, the sentence must “afford adequate deterrence to criminal conduct.” *Id.* The proposed

sentence reflects the serious nature of the offense, will serve to deter him and others, but is not greater than necessary.

There are two forms of deterrence this sentence must address, specific and general. The Government's sentencing recommendation of ninety-months addresses each aspect of deterrence.

First, a jail sentence will instill in Hoy the need to abide by society's rules and to conform his conduct. Any future cost benefit analysis he engages in will necessarily be viewed through the prism of his personal institutional experience. Such an experience will undoubtedly tip the scales in favor of abiding by the law.

Imposition of the recommended sentence will reverberate in the community and undoubtedly occasion some degree of general deterrence. Actions have consequences and the adverse consequence of a ninety-month period of incarceration tips the scale in favor of choosing to avoid involvement in crime.

Last year there were 435 fentanyl overdoses in Rhode Island, up from the previous high of 384 set in 2020. *Providence Journal*, <https://www.providencejournal.com/story/news/local/2022/05/02/ri-drug-overdose-deaths-set-record-2021-fentanyl-cocaine/9616004002/> (accessed June 13, 2022). While it is axiomatic that punishment of those dealing in this poison will not alone reduce the number of deaths, the imposition of significant sanctions on dealers will help. Distribution of this deadly substance for profit, without regard for the lives at risk is serious criminal conduct warranting a sentence of ninety-months.

UNITED STATES OF AMERICA

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CERTIFICATION

I, William J. Ferland, hereby certify that on the 14th day of June 2022, I caused a copy of the Government's Sentencing Memo to be served upon counsel of record by filing same with the Court through the Electronic Court Filing system.

/s/ William J. Ferland